



February 6, 2012

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554
Via Electronic Filing

Re: *Ex Parte* Communication, WC Docket No. 11-59

Dear Ms. Dortch,

On February 2, 2012, Paul Roberts and Liz Hill of American Tower Corporation, Colleen Thompson of AT&T, Blake Hawk, Monica Gambino and Stephen Garcia of Crown Castle, George A. Vinyard of ExteNet Systems, Inc., Robert Millar of NextG Networks, Scott Thompson of Davis Wright Tremaine and counsel for NextG, David Bronston of Phillips Lytle LLP, Ray Rothermel of Sprint, and Zac Champ and the undersigned of PCIA—The Wireless Infrastructure Association and The DAS Forum, a membership section of PCIA, (“Parties”) met with William Dever, Tawseef Islam, Claudia Pabo, Wesley Platt, Deena Shetler, and Matt Warner of the Wireline Competition Bureau and Dan Abeyta, Jane Jackson, Don Johnson, and Jeffrey Steinberg of the Wireless Telecommunications Bureau.

The Parties thanked the Federal Communications Commission (“FCC” or “Commission”) for expanding its educational outreach to state and local governments about the nature and benefits of distributed antenna systems (“DAS”) and other small cell solutions by holding the February 1st workshop, *Augmenting Mobile Broadband in Your Community - An Overview of Distributed Antenna Systems and Small Cell Solutions*. As noted during the workshop, when local jurisdictions deal with DAS and small cell providers in a manner that is consistent with the treatment accorded to other telecommunications service providers and utilities, the deployment process for these vital broadband facilities within the public right of way can be efficient, predictable, and cost-effective.¹ Parties discussed that the crux of delays in deployment of DAS and other small cell solutions is inconsistent and discriminatory treatment, including discriminatory charges for access to public rights of way and discrimination between providers of substantially similar services. Consistent with PCIA’s comments, the Parties urged the Commission to clarify that DAS and small cell solution providers who operate as telecommunications carriers and register as competitive local exchange carriers or otherwise have the status of utilities under applicable state laws and regulations (e.g., hold certificates of public convenience and necessity) are subject to the protections of section 253 of the Telecommunications Act of 1996.²

¹ Robert L. Delsman, Esq., DAS Deployment in Cities and Communities – Small-Cell Deployment in the City of Philadelphia, presentation at Federal Communications Commission (Feb. 1, 2012), *available at* <http://www.fcc.gov/events/augmenting-mobile-broadband-your-community-overview-distributed-antenna-systems-and-small-cel>. See Comments of PCIA—The Wireless Infrastructure Association and The DAS Forum, WC Docket No. 11-59, at 27-32 (July 18, 2011) (“PCIA Comments”).

² PCIA Comments at 48; Reply Comments of PCIA—The Wireless Infrastructure Association and The DAS Forum, WC Docket No. 11-59, at 57-59 (Sept. 30, 2011) (“PCIA Reply Comments”).

The Parties also noted the continuing impact that concern on the part of some segments of the public with radio frequency (“RF”) emission safety has on the deployment of DAS and small cell solutions. Although this issue is by statute exclusively within the purview of the FCC³ and many concerned citizens and local officials are aware that they cannot overtly act to prohibit or regulate wireless deployments that comply with the federal guidelines on this basis, the Parties noted that these underlying concerns continue to be a predominant driver of resistance at the state and local levels that detrimentally impacts the deployment of broadband facilities. Consistent with PCIA’s comments, the Parties urged the FCC to review its rules, guidelines and educational materials regarding RF emissions to provide local jurisdictions and citizens with information that is accessible to people who are not trained in engineering or physics.⁴

Pursuant to Section 1.1206 of the Commission’s rules, this letter will be filed via ECFS and a copy will be provided to the attendees. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

_____/s/
Jonathan M. Campbell
Director, Government Affairs
PCIA—The Wireless Infrastructure Association
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Cc: William Dever
Tawseef Islam
Claudia Pabo
Wesley Platt
Deena Shetler
Matt Warner
Dan Abeyta
Jane Jackson
Don Johnson
Jeffrey Steinberg

³ See 47 U.S.C. §§ 301, 302a, 303.

⁴ PCIA Comments at 46-47. *See also* Comments of NextG Networks, Inc., WC Docket No. 11-59, at 27-28 (July 18, 2011).